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ABSTRACT

Restitution programs have been organized in many areas of the country to make juvenile offenders more accountable for their criminal behavior, more aware of the consequences to themselves, their victims, and the community, and thus, less likely to continue committing crimes. The programs also provide direct compensation for victims of crime. Juveniles may make restitution in the form of cash or service to their victims or the community. Programs may also be able to refer unemployed juvenile offenders to jobs to enable them to repay their victims. Two such programs for juvenile offenders have been organized in Lucas County (Ohio) and Quincy (Massachusetts). (Author/MLF)

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Technical Assistance Bulletin

Restitution Programs for Juvenile Offenders

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Summary

Restitution programs have been organized in many areas of the country to make juvenile offenders more accountable for their criminal behavior, more aware of the consequences to themselves, their victims, and the community, and thus, less likely to continue committing crimes. The programs also provide direct compensation for victims of crime. Juveniles may make restitution in the form of cash or service to their victims or the community. Programs may also be able to refer unemployed juvenile offenders to jobs to enable them to repay their victims.

The Problem

When society's reaction to crime--probation or institutionalization, for instance--is unrelated to the actual effects of the crime on the victim, offenders are less aware of their responsibility and the consequences of criminal behavior and are more likely to repeat crimes.

Institutionalization of juveniles is often considered inappropriate. For many first offenses, the juvenile justice system often does nothing. Victims are not compensated, and offenders are not rehabilitated. Juveniles may be left with the impression that there are no consequences of their crimes, thus reinforcing antisocial behavior.

The Approach

Many localities have recently instituted restitution programs in which offenders are made accountable for their crimes and are responsible for reimbursing the victims, whether private individuals or the public. Restitution in the form of cash reimbursement or service to the community or individual victims can encourage offenders to appreciate the impact of their behavior on the community and individuals.

Two such programs for juvenile offenders have been organized in Lucas County, Ohio, and Quincy, Massachusetts.

Restitution Program: Lucas County, Ohio

The Lucas County Juvenile Court Restitution Program was established in 1977 at the request of the court in an effort to reduce juvenile crime, particularly vandalism. The project includes a work program which enables unemployed juveniles to make restitution to their victims as an alternative to probation or commitment.

The goals of the program are to--

- Provide reasonable redress to victims of juvenile crime
- Provide a structured work-training program for offenders with 20 hours of work per week over a 1-year period
- Increase the juvenile's sense of responsibility and accountability
- Reduce recidivism
- Increase public awareness of the feasibility of employing juvenile offenders and thus encourage

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employers to make more unsubsidized jobs available.

To be eligible for the program, the juvenile must be between 14 and 18 years old and have been found guilty of a crime involving theft, damage, and/or property loss in Lucas County. Status offenders, those guilty of victimless crimes or traffic offenses, and juveniles not found guilty through a formal fact-finding hearing are ineligible.

The Toledo Public School System is directly involved with the restitution program. Four restitution counselors divide their time between the work program job sites and the schools, where they provide liaison with school personnel regarding the juveniles in the restitution program, school attendance, and discipline problems. The counselors also provide follow-up information to the court, since juveniles in the program are not necessarily on probation. School-court liaison personnel hired by the school districts file school vandalism restitution claims and follow the process through the court.

The first step in the process is referral. The juvenile court judge and court referees decide whether to refer juveniles to the restitution program after adjudication. Probation counselors may refer juveniles after adjudication and before disposition, usually to investigate whether restitution is appropriate. If victims seek restitution, police refer them to the program. Police may also contact the program themselves, usually in cases of damage to public property.

Second, the loss is investigated and, whenever possible, documented by the program coordinator and restitution counselors. The victim and the juvenile must agree with the findings. If not, the juvenile may request a rehearing or the victim may seek settlement in civil court. The program coordinator attempts to negotiate lower, token restitution when the loss exceeds $600. The victim can request that the youth perform a personal service, such as mowing the victim's lawn, or volunteer community service, rather than make monetary restitution. The juvenile and program coordinator must agree to this alternative. When more than one offender is involved, the restitution is divided equally.

The third step is determining how payment will be made. Parents may pay and be reimbursed by the youth, or the youth may pay, if employed. In these cases an account is established with the court business office, and payment is made in full or periodically. An unemployed juvenile may find a job or enter the restitution work program until the debt is paid. The youth, parents, and victim are notified of the amount of restitution and type of payment plan.

If the court restitution order is not fulfilled, the program coordinator can request a contempt-of-court citation. If all other means of payment are exhausted, a hearing is scheduled with the judge or referee who originally handled the case.

Juveniles in the work program are placed in community-based jobs, such as park improvements or highway work, and paid $2.90 an hour. Seventy-five percent of each paycheck is deducted for the restitution payment. The program coordinator contacts potential employers and public officials and develops all job sites. The restitution counselors supervise work crews on-site and supervise weekly at community and private employer work locations.

Attachments A and B are two sample documents used in the Lucas County program: a letter to the victim describing the restitution program, and an agreement with parents of a juvenile offender.

Work Program: Quincy, Massachusetts

In Quincy, Massachusetts, the Earn-It community work/sentencing program was designed in 1975 by Judge Alfred Kramer of the East Norfolk District Court. Judge Kramer was frustrated at the lack of alternatives to institutionalizing juvenile offenders (often too harsh a punishment) or doing nothing. The judge created a partnership with a local chamber of commerce and the Job Bank, with almost 200 sponsors, which provides temporary jobs to enable juvenile offenders, primarily first offenders, to compensate their victims--whether individuals or the community--in cash or community service. The jobs are temporary and last only until offenders have earned enough to pay back their victim and provide their own lunch and travel money. When the victim is the community, offenders provide a specified number of hours of service. The variety of forms this restitution may take is evident in the following examples:

- Four juveniles aged 13 to 15 were caught breaking windows in their school. They worked after school repairing the broken windows under supervision of the custodial staff.
- A juvenile convicted of making false fire alarms was ordered to paint the inside of a fire station, giving him an understanding of the workings of a fire station and the consequences of a false alarm.
- Juveniles found to have been driving under the influence of alcohol work at a local alcohol detoxification unit.
- Some youth considered unsuitable for private employment, such as those who have been violent or abused drugs, were found eligible for jobs funded by the Comprehensive Employment and Training Act (CETA).
- Those found guilty of shoplifting are required to buy merchandise and donate it to a charity so they could experience earning money to buy something rather than just taking.

Results

Since the inception of the Lucas County Restitution Program in 1977, 1,100 juveniles, at a rate of 15 to 50 per month, have entered the program. The Toledo school system's security specialist, who is responsible for security at 17 schools and for school-court liaison, believes the program has reduced vandalism and property crimes in the schools and enhanced coordination and followup between police, school, and court systems. The program coordinator feels restitution has more effect on younger children and first offenders than on older juveniles who may have committed more serious offenses or be repeat offenders.

In 1978, about 1,200 youth and young adult offenders participated in the Earn-It restitution program. In 1975, its first year, $38,000 in restitution was collected for victims, and the annual collection is now approaching $138,000. Judge Kramer believes the Earn-It program is one of the largest restitution programs in the country and is an important component of the rehabilitation process. Not only does the offender become aware of the human consequences of his or her behavior, but acquiring a job can contribute substantially to the offender's self-esteem. About 30 percent of those referred to participating employers keep their jobs, and they often begin to take pride in their work. This increased employability can help prevent future economic problems which tend to foster antisocial behavior. About 90 percent of those entering the program complete their assigned tasks. The remaining 10 percent may have other problems, such as drug abuse, which become evident when the assignment is not fulfilled and can then be handled appropriately. Judge Kramer feels the Earn-It program is supported by both liberal and conservative politicians, social welfare workers, and business people.

Replication Issues

Restitution programs can be organized in conjunction with any court system in any community. They can be and are operating in all areas of the country, usually administered by courts, court-related agencies, or private nonprofit agencies.

Required Resources

The Lucas County Restitution Program is currently funded by the Law Enforcement Assistance Administration at $250,000 for 2 years. At first it was funded by the court and was then supplemented by $64,000 in CETA funds.

The Earn-It program was initially funded by a $48,000 grant under the Juvenile Delinquency Prevention Act. A recent $200,000 grant will be used to expand and evaluate the program. The effort is supplemented by volunteers and CETA employees working in the court. Judge Kramer feels the restitution received offsets money spent by the court to operate the program, as compared, for instance, to a system in which the state compensates crime victims.

Juveniles can be paid for their work by the participating private employers or through the CETA program.

The Office of Juvenile Justice and Delinquency Prevention funds many restitution programs in response to applications under the initiative entitled "Restitution by Juvenile Offender: An Alternative to Incarceration."

References

Devine, Andy, and Pompa, Dan. Lucas County Juvenile Court Restitution Program. Toledo, Ohio.

Oversight Hearing on the Juvenile Justice and Delinquency Prevention Act. Hearing before the Subcommittee on Human Resources of the Committee on Education and Labor, U.S. House of Representatives, March 20, 1979. Washington, DC: U.S. Government Printing Office, 1979.

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(202) 376-3774

Attachments

The sample documents attached are used in the Lucas County Restitution Program.

Attachment A - Letter to victim describing restitution program

Attachment B - Agreement/permission form to be signed by parents of juvenile.

For further information on this program, or to request direct technical assistance in implementing a similar program, contact the National Center or the Regional Center nearest you. NSRN technical assistance is available at no cost to requestors.

FORM - 3

Restitution Program

Attachment A

Lucas County Juvenile Court

Family Court Center, 429 Michigan Street, Toledo, Ohio 43624

Honorable Andy Devine, Judge

Dan Pompa, Program Coordinator

DATE:

Case No:

Dear

It has been brought to our attention that your household has suffered an injustice, personal injury, or incurred loss of property or damage to property due to the behavior of a juvenile.

The Restitution Program is designed to aid citizens in the reimbursment or partial reimbursment of such losses.

If you would like the assistance of the Restitution Program, we will need your full cooperation. In order for us to access restitution, it is necessary for you to send in a written estimate of damages done. That includes Doctor bills, repair bills or statements showing the current value of items stolen from you. As a court of law, before we can act, legal proof of your losses must be established.

If the loss or damages are to be handled by your insurance company, please let us know the name of the company. Also, have your insurance company contact our office as to the amount they will be covering.

This information should be in our possession no later than _____, _____. If you are having difficulty in obtaining this information or a statement from the insurance company, please call me no later then _____ _____.

If we have not received this information or phone call by this date, then we will assume that restitution is not being requested and therefore termination of this case will be in order.

We are here to assist you in the best way possible for reimbursement of your losses. To be perfectly honest with you, this process may take anywhere from 4 weeks to 4 months. However, we will do our best to make payment as soon as possible.

Furthermore, if we are unable to assist you in a reasonable period of time, we will advise you of other avenues you may take in order to receive payment.

If you have any questions, please contact this office between 8:30 and 4:30.

Sincerely,

_____

(419) 259-8901 or 259-8902

Source: Lucas County Juvenile Court; Toledo, Ohio

FORM - 15

Attachment B

LUCAS COUNTY JUVENILE COURT

RESTITUTION PROGRAM

We/I the undersigned parents/guardians of _____ do hereby grant permission for _____ to participate in the Lucas County Juvenile Court Restitution Program. We/I further understand that _____ will be assigned to a work site as a volunteer helper and will be credited $2.65 per hour for services performed at the site until sufficient hours of service have been performed in order to meet the restitution amount (or court costs and fines) required.

We/I further understand that _____ is not an employee of the Juvenile Court or of _____ and does hereby volunteer his/her services for the purpose of the Court order. Therefore, neither agency will be held liable for any injuries or accidents that may occur at the restitution site. And each parent has released a discharge to Juvenile Court and/or Lucas County from any claims, demands, and course of actions whatsoever as a result of said assignment or injuries that may be sustained by said _____ and will indemnify and hold Juvenile Court and/or Lucas County from any loss whatsoever as a result of said assignment.

_____
Parent/Guardian of child

_____
Parent/Guardian of child

_____
Program Coordinator

_____
Date Signed

DP:vs

RP-11